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8 SLEVIN CAPITAL INVESTMENTS, INC.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 *In re: Volkswagen 'Clean Diesel' Marketing,*
12 *Sales Practices, and Products Liability*
Litigation

13 This document relates to:

14 *Iconic Motors, Inc. v. Volkswagen Group of*
15 *America, Inc.*, No. 3:17-cv-3185-CRB
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LEAD CASE No. 15-md-02672- CRB

**DECLARATION OF DANIELLE J.
GOULD IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
REQUEST PURSUANT TO CIVIL L.R.
79-5 TO HAVE EXHIBITS 1-7 AND 10-15
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT FILED UNDER
SEAL PURSUANT TO CIVIL L.R. 79-5**

1 I, Danielle J. Gould, declare as follows:

2 1. I am a partner with the law firm of Burke, Warren, MacKay & Serritella, P.C. and
3 counsel of record for Plaintiffs, Iconic Motors, Inc. d/b/a Elgin Volkswagen and Slevin Capital
4 Investments, Inc. I provide this declaration in response to Defendants Robert Bosch GmbH and
5 Robert Bosch LLC's Administrative Motion to Consider Whether Another Party's Material Should
6 Be Sealed in support of Defendants' Motion for Summary Judgment. Except where stated on
7 information and belief, I have personal knowledge of the facts set forth herein and, if called and
8 sworn as a witness, I can and will testify competently under oath to all such facts. I make this
9 declaration pursuant to Civil Local Rules 7-11 and 79-5, as counsel for the "Designating Party," as
10 outlined in Civil Local Rule 79-5(f)(3), and in support of maintaining Exhibits 1-7 and Exhibits 10-
11 15 of Defendants' Motion for Summary Judgment under seal.
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13 2. On August 6, 2018, the Court approved and entered a Stipulated Protective Order
14 (Dkt. No. 5180) ("Protective Order") in this matter.
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16 3. In this action, Plaintiffs have produced certain documents designated as
17 "Confidential" pursuant to the Protective Order.

18 4. On September 11, 2024, Defendants filed an Administrative Motion to Consider
19 Whether Another Party's Material Should Be Sealed, pursuant to Civil Local Rule 79-5(f), regarding
20 certain confidential documents produced by Plaintiffs. The documents for the Court's consideration
21 are as follows:
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<u>Exhibit #</u>	<u>Bates</u>	<u>Document Description</u>
Exhibit 1	ICONIC012271- ICONIC012272	Internal communication from Volkswagen Sr. VP of Sales and Sr. Director of Planning, Distribution and Pricing to Plaintiff Slevin Capital Investments, Inc. regarding processes for dealing with settlement customers.
Exhibit 2	ICONIC011910- ICONIC011912	Internal communication from the Volkswagen TDI Dealer Communications Team to all Dealer Partners regarding update on settlement and future sales campaigns.
Exhibit 3	ICONIC018331- ICONIC018332	Internal communication from the Volkswagen TDI Dealer Communications Team to all Dealer Partners regarding update on settlement and future sales campaigns.
Exhibit 4	n/a	Plaintiff Iconic Motors, Inc.'s Responses to Defendants' Requests for Admission.
Exhibit 5	ICONIC013416- ICONIC013417	Internal communications between Volkswagen Asst. Director of Regional Sales Operations and Plaintiffs regarding vehicles subject to settlement.
Exhibit 6	ICONIC000830- ICONIC000856	Volkswagen dealer agreement.
Exhibit 7	ICONIC000570	Letter pertaining to settlement negotiations between Plaintiffs and Volkswagen Director of Midwest Region
Exhibit 10	ICONIC024102	Plaintiffs' expense workbook for 2015.
Exhibit 11	ICONIC011615- ICONIC011626	Internal communications between Volkswagen Chief Operating Officer and Dealer partners regarding customer support programs.
Exhibit 12	ICONIC010983	Internal communication from the Volkswagen TDI Dealer Communications Team to all Dealer Partners regarding update on settlement and buyback provisions.
Exhibit 13	ICONIC004762- ICONIC004771	Confidential Settlement Agreement between Plaintiffs and Volkswagen of America, Inc.
Exhibit 14	ICONIC000191- ICONIC000303	Private appraisal report of property subject to this litigation.
Exhibit 15	ICONIC000022- ICONIC000166	Private appraisal report of property subject to this litigation.

5. Each of the Exhibits listed above, and the information contained therein, have been designated by Plaintiffs as "Confidential," pursuant to the Protective Order, because they contain confidential, nonpublic, and highly sensitive business information. They contain confidential, non-

1 public information about the Plaintiffs' sales practices, Plaintiffs' business and supply agreements,
2 Volkswagen's and Plaintiffs' competitive positions, subsequent remedial measures enacted by
3 Volkswagen and Plaintiffs in response to the emissions scandal, Plaintiffs' financial information
4 (including property and business evaluation, which could impede future business-sale negotiations),
5 and information that is subject to a confidential settlement agreement between Plaintiffs and
6 Volkswagen of America, Inc. The documents describe relationships with companies — including
7 customers and vendors — that remain important to the Plaintiffs' competitive positions. Upon
8 information and belief, publicly disclosing this sensitive information presents a risk of undermining
9 the Plaintiffs' relationships with past, present, and future consumers, would cause harm with respect
10 to the Plaintiffs' competitors and customers, and would put Plaintiffs at a competitive disadvantage
11 with other dealerships. For these reasons, as well as others, the documents outlined above contain
12 "Highly Confidential Information" under Paragraph 2.8 of the Protective Order and are
13 appropriately designated as "Confidential."

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16 6. Upon information and belief, there is not a less restrictive alternative to sealing the
17 subject Exhibits and the information contained therein.

18 7. Pursuant to Civil Local Rules 7-11 and 79-5, the Protective Order, and the
19 considerations outlined herein, the portions of Defendants' Motion for Summary Judgment that
20 contain, cite, or identify information from any of the above-mentioned exhibits, and the exhibits
21 themselves, should be maintained under seal and redacted.

22
23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

Executed this 18th day of September, 2024, in Chicago, Illinois



Danielle J. Gould

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2024, the within document was filed with the Clerk of Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Danielle J. Gould
DANIELLE J. GOULD, *pro hac vice*

*Attorney for Iconic Motors, Inc. d/b/a Elgin
Volkswagen and Slevin Capital Investments, Inc*

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